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May 6, 2024

VIA ECF

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: PDV USA, Inc. v. Interamerican Consulting, Inc., No: 1:20-cv-03699-JGK-RWL

Dear Judge Lehrburger:

We represent plaintiff PDV USA, Inc. (“PDV USA”) in the above-captioned matter and write to inform the Court of a development in a related proceeding between PDV USA and David Rivera, *PDV USA, Inc. v. Rivera*, 24-20456 (S.D. Fla.), and to request that the Court reinstate its prior order compelling defendant Interamerican Consulting, Inc. (“Interamerican”) to produce certain documents.

On March 25, 2024, this Court ordered Mr. Rivera to produce: “all non-privileged documents that (i) are responsive to PDV's document requests, (ii) have not already been produced, (iii) are in Interamerican's possession, custody, and control – including documents produced by the Government to Mr. Rivera in the criminal proceeding against Mr. Rivera, and (iv) consist of email, texts, or other electronic communications to which Mr. Rivera was an author or recipient in his capacity as an employee, officer, director, representative, or agent of Interamerican.” ECF No. 166 (“March 25 Order”). On April 4, 2024, the Court held the March 25 Order in abeyance pending resolution of PDV USA’s motions to compel production of related documents from Mr. Rivera in the Florida proceeding. ECF No. 170. In the Florida proceeding, PDV USA had moved to compel production of all responsive, non-privileged documents in Mr. Rivera’s possession, custody, or control—including documents that the government produced to Mr. Rivera in the criminal proceeding. *Rivera*, 24-20456, ECF Nos. 1, 20.

On April 19, 2024, the Florida court granted PDV USA’s motions to compel. *Id.*, ECF No. 37. The Florida court provided Mr. Rivera 14 days to comply, i.e., May 3, 2024. *Id.*, ECF No. 38. On April 24, 2024, PDV USA informed this Court about the Florida court’s order, and requested that the Court reinstate the March 25 Order. ECF No. 181. The deadline for compliance with the Florida order has now passed, but Mr. Rivera has not produced any documents to PDV USA. Mr.

Hon. Robert W. Lehrburger

Rivera recently informed PDV USA that, to date, he has made no efforts to comply with the Florida court's order, despite having over two weeks to do so. In light of Mr. Rivera's non-compliance, PDV USA is in the process of seeking further relief from the Florida court.

Earlier today, the Florida court issued a written opinion and order granting PDV USA's motions to compel, and reiterating the May 3, 2024 deadline for compliance. That opinion is attached hereto as Exhibit A.

Because PDV USA's motions to compel in Florida have been resolved, PDV USA requests that this Court reinstate the March 25 Order.

Respectfully submitted,

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